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North Carolina Department of Health and Human Services
Division of Vocational Rehabilitation Services

P. O. Box 797 • Greenville, NC 27835-0797

James B. Hunt Jr.
Governor
H. David Bruton, M.D.
Secretary

February 26, 1998

Bob H. Philbeck
Director
101 Fox Haven Drive
(919) 830-8560
Fax: (919) 830-6599

Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

RE: Closed Captioning and Video Description of Video Programming
Implementation of Section 305 of Telecommunications Act of 1996
Video Programming Accessibility
MM Docket No. 95-176

To: Whom it may Concern:

I have been informed there is a Notice of Proposed Rulemaking regarding closed captioning seeking information regarding appropriate rules to ensure access to televised emergency information for those with hearing disabilities.

I am enclosing a copy of 2 letters that I have submitted in the past. I have also received a generic response to this indicating that the law stated that all television programs when they have a Emergency Broadcasting Announcement that they have to be accessible to all citizens. Unfortunately this may be what the law says but it is definitely not enforced. As an individual who lived thorough Hurricane Fran, and Hurricane Bertha in the same year, the announcements were inappropriate. I slept in my bed while everyone else slept under their beds, on the floor or in a safe place.

If I had know about the severity of the storm, I would have done more to protect myself from harm. Fortunately, there was no damage done but the possibilities are endless. I feel that the letters I have enclosed would greatly describe my concerns. This has been procrastinated long enough and the FCC needs to do something about it before more people get hurt. Not only do deaf and hard of hearing people depend on this but many hearing people utilize this to their advantage as well especially when the little ones are sleeping.

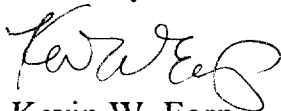
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As a Vocational Rehabilitation counselor for the Deaf and the Hard of Hearing, as well as being deaf myself, I have seen the needs of the grassroots of my area and feel that with Eastern NC in a strategic location for Hurricanes, we need to have all information available when it is dissimulated. There is no discrimination from a Hurricane or Tornado's perspective. The two storms do not care what damage they do but at least if the TV stations would care enough to let everyone know, then we would all have a equal opportunity to protect ourselves.

I hope this has been of some help and I hope that you can use this in your letter. If you have any questions about this, feel free to give me a call and I'll try to answer them.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Kevin W. Earp', written in a cursive style.

Kevin W. Earp

Vocational Rehabilitation Counselor
for the Deaf and the Hard of Hearing

Kevin W. Earp
3344 Tobacco Road, Apt 2
Greenville, NC 27834

January 6, 1997

FCC
2025 M Street NW
Washington, DC 20554
Attn.: Complaints Branch MMB

Dear Sirs,

During the early days in September, there were frequent updates that were displayed on the television with anchors coming on and talking about Hurricane Fran whom was traveling on her way here. Often there was no information that was broadcasted on the TV in which a deaf person such as myself was able to read and understand. Whenever an anchor would come on during the programs, he would be talking yet there would be no captions. The only way I was able to keep up with the status of the storm was to follow a tracking map. I would go outside from time to time to look at the sky to try to get the feel of what was happening.

At this time there had been lots of safety information for the NC Citizen, broadcasted by our local television stations. This information I later find out , talked about possible hurricane routes, and appropriate safety information, occurrences of power shortages, concerns regarding water , and up to the actual arrival of the hurricane. As any normal station, most of this information was discussed by the television station's weather meteorologist. If you were deaf, you would understand the frustrations that I felt because this is not captioned, and I was in the dark.

After the Hurricane had come and gone, I did not realized how serious it was because I did not really know due to not being able to comprehend what the TV station meteorologist were talking about. I found out that most of my family had slept on the floor between 2 sturdy walls while I slept in my bed such as if nothing was happening. The damages here in Eastern North Carolina were devastating and in some places, towns were leveled. I live in an area that was later determined to be a Federal Disaster Area.

In my area, and in most of the rest of the State of North Carolina, there was almost none of the Hurricane Fran emergency information that was captioned. Only part that was captioned was the pre-captioned information which was of no importance at this time. At times, the other reporters may be talking and parts may be pre-captioned yet this small bit that we received was insufficient. WRAL Channel 5; WTVD Channel 11; WNCT Channel 9; WCTI Channel 12; WITN Channel 7 are some of the stations that serve my area. I feel these stations need to be made aware of the fact of their oversight. There are

over 450,000 deaf and hard of hearing citizens who depend on these captions for our safety.


I understand there is a Public Notice 5004, FCC-90-302, dated September 27, 1990 indicating the following information;; "...If a television station broadcasts any emergency information, that is, information which is of timely decisional value to the public in furthering the safety of life and property, it must present the information visually..."

I would also like to advise you to not forget about the Radio stations. The public always advises us to have a radio in which we can refer to on what's occurring in the area whenever the power is out. This is invalid with a deaf and hard of hearing person.

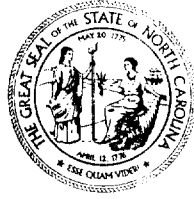
I hope that you will take this complaint very serious and in order to understand what it is like, I would encourage you to "Walk a mile in my shoes" to understand what its like to not be able to hear especially when there is a hurricane passing through.

If you have any questions, please feel free to contact me. I hope that you will respond to my letter of concern.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Kevin W. Earp", with a stylized flourish at the end.

Kevin W. Earp



North Carolina Department of Health and Human Services
Division of Vocational Rehabilitation Services

P. O. Box 797 • Greenville, NC 27835-0797

James B. Hunt Jr.
Governor

H. David Bruton, M.D.
Secretary

March 13, 1996

Bob H. Philbeck
Director

101 Fox Haven Drive
(919) 830-8560
Fax: (919) 830-6599

Mr William F Caton
Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

RE: Information for you to use in regards to the Captioning Issues on local levels

Dear Mr Caton,

At the last Wilson Association for the Deaf Board meeting, there was an issue regarding you needing information or ideas in which to help you to be able to understand the captioning issues facing Deaf and Hard of Hearing individuals in America. This is an issue that has occurred on a local level as well as a national level. I believe there can be some impact made on the national level which will impliment the local stations into taking actions. Often local stations feel it is a small minority of Americans who desire this service however there is 20 to 30 million deaf and hard of hearing Americans who could rely on closed captions. I hope this information included is of some assistance in helping you to work with the FCC Coimmission. These are just a few issues that I believe should be considered:


- They should caption the weather because this is an important part of our daily lives and we, the deaf and the hard of hearing desire to know what the weather will be like in the upcoming days.
- They should caption the sports since many of the deaf and the hard of hearing are avid sports fans and often play sports in school. They tend to keep up with what is going on in areas such as football, baseball, basketball and other sporting events.
- They need to make sure the captions are monitored correctly and do not exceed what is being said by the commentator themselves. The captions should not go faster or slower than the dialog of the speakers themselves.
- They need to caption all live shots as well as the scripted shots. Often times they will not caption the live shots due to the inability to forecast what is being said but this prevents the deaf and the hard of hearing form knowing what is being said by the reporter themselves therefore is not accessible.



- They need to make sure they caption their program from start to finish and not just do the parts that have already been written and then do not caption other segments of the program because they just don't have the script with them.
- They need to caption the weather reports that come on in emergencies such as Hurricane Warning, Hurricane Watch, Tornado Warning/Watch, and Thunderstorm Warning/Watch. Anything that they put in regards to the weather during the day needs to be captioned.
- They need to caption anything and everything that they broadcast over a special bulletin or special report. For instance, if there was a explosion at a company in which I knew someone working there or a family member worked there, and they talk about this in a special report and do not provide captions, how will the deaf or the hard of hearing individuals know about it? They may have said there was contamination and everyone needed to leave the area due to an acid explosion and they did not caption it then I would not be aware of it. I would be living in the same town.
- In California when the Earthquake occurred, most of the news programs were captioned throughout the duration of the emergency. If this should happen here, would these programs be captioned? If not this would be very inaccessible to those who are deaf or hard of hearing.
- In regards to the emergency scroll they have across the screens, they need to make sure they do not cover up the captions. Line 21 has been reserved for only captions and not for other people to utilize for their own use.
- As an incentive, this would be a public service, therefore they will be able to deduct the expenses from their taxes because they are making it accessible to the handicapped population.
- As an incentive, they can use this as a marketing tool when they promote their advertisers and caption their advertisers advertisements. They can tell their advertisers about their ability to reach the deaf and hard of hearing customers which would generate additional income for the advertisee and for the broadcasting station as well since the advertisee has to pay for the captions to be inserted.
- Since July 1, 1993, the Television Decoder Circuitry Act (HR 4267 of 1990) has been in effect which indicates all televisions that are 13 inches or greater are required to have a closed caption decoder chip. This allows all programs that are captioned to be captioned.
- Above all, if the TV stations would caption their news, including but not limited to; local, state, federal, sports, weather, local interests; then they will not be discriminating against the 443,000 deaf and hard of hearing citizens who reside in the great state of North Carolina.

I hope this has been of some help and I hope that you can use this in your letter. If you have any questions about this, feel free to give me a call and I'll try to answer them.

Sincerely Yours,



Kevin W. Earp
Vocational Rehabilitation Counselor
for the Deaf and the Hard of Hearing